

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. No: 10/632,877
Applicant: Robert Joseph Panek, Jr.
Filed: 08/01/2003
Title: APPARATUS AND METHOD FOR UNWINDING A NEEDLE PORTION
TC/A.U.: 3726
Examiner:
Confirmation No.: 3038
Docket No.: TCO1-101US1

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

This is in response to the Restriction Requirement stated in the Office Letter dated **July 24, 2008**.

The Examiner requires that claims of either Group I, claims 13-17, drawn to a method of unwinding a needle portion from a needle holder, classified in class 29, subclass 426.1 or Group II, claims 18-20, drawn to a method for use with a needle system and a receptacle, classified in class 29, subclass 426.9 be elected for prosecution. Applicants elect to prosecute Group I, claims 13-17. This election is made without traverse.

Because Applicants elect Group I, the Examiner also requires an election of either Species A, drawn to engaging detents, or Species B, drawn to engaging flanges. Applicants provisionally elect Species A and provisionally note that all of claims 13-17 of Group I encompass Species A having engaging detents.

This election is made with traverse. MPEP § 806.04(e) states:

Claims are definitions or descriptions of inventions. *Claims themselves are never species.* The scope of a claim may be limited to a single disclosed embodiment (i.e., a single species, and thus be designated a *specific species claim*). . . .

Species always refer to the different embodiments of the invention. (emphasis in original)

MPEP § 809.02(a) states:

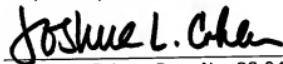
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The species are preferably identified as the species of figures 1, 2, and 3, or the species of examples I, II, and III, respectively.

The Office Action has incorrectly defined each purported Species by referring to claims, rather than by referring to figures, which is prohibited by MPEP § 806.04(e), above. For this reason, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Dated: August 20, 2008

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